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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,824	08/03/2001	Manfred Gerresheim	0656-0248P	7746

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EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 04/23/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/806,824

Applicant(s)

GERRESHEIM ET AL.

Examiner

Steven D. Maki

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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- 1) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2) Claims 2-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 2 and 4, it is unclear how "preferably" affects the scope of the claim.

In claim 5, it is unclear how "defined by the associated Figures" affects the scope of the claim.

In claim 6, the scope and meaning of "formed analogously" is unclear.

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5) **Claims 1, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Great Britain '347 (GB 1549347).**

The claimed tire is anticipated by the tire of Great Britain '347 which chamfers block edges as shown in figure 6 (the claimed lowering caused by the chamfers).

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6) Claims 1, 4, 6, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan '623 (JP7-186623).

The claimed tire is anticipated by the tire of Japan '623 which uses changing radius along the edges of the blocks to improve steering stability (the claimed lowering caused by the changing radius).

7) Claims 1-4, 6-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Europe '989 (EP 602989).

The claimed tire is anticipated by the tire of Europe '989 which rounds each of the edges of the blocks at the tread surface and rounds each of the bottom grooves edges (the claimed lowering caused by the rounding of the block edges at the tread surface).

8) Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Carolla et al (US 4722378).

The claimed tire is anticipated by the tire of Carolla et al, which includes blocks wherein each block has a convex upper surface so that the tire obtains better contact with the ground (the claimed lowering caused by the chamfers). See figure 11.

9) Claims 8, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolla et al (US 4722378) in view of Remick (US 5127455).

As to claims 8, 11 and 14, it would have been obvious to incline the wall of the block of Carolla at the trailing edge steeper than the side of the block at the leading edge since Remick suggests inclining the wall of a block at the trailing edge steeper than the side of the block at the leading edge to improve wear / life of the tire.

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10) Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carolla et al (US 4722378) in view of Japan '907 (JP 3-32907), Europe '557 (EP 367557) or Europe '125 (EP 591125).

As to claims 12 and 13, it would have been obvious to use the claimed different depths in view of Japan '907's teaching to use different depths for transverse grooves to improve operational stability and secure drainability, Europe '125's teaching to use different depths of transverse grooves to compensate for material which flows into joints between mold segments or Europe '557's teaching to use different depths for transverse grooves so that rigidity is made uniform when using pitches for reducing noise.

11) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carolla et al (US 4722378) in view of Japan '907 (JP 3-32907), Europe '557 (EP 367557) or Europe '125 (EP 591125) as applied above and further in view of Europe '989 (EP 602989).

As to claim 15, it would have been obvious to round the upper edges of the blocks of Carolla et al in view of Europe '989's teaching to round edges of blocks to increase conicity force and reduce noise.

12) Claims 1, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Masaoka (US 5690761).

The claimed tire is anticipated by the tire of Masaoka wherein the upper surface of the block is shaped as shown in figure 1 to prevent heel and toe wear.

13) Claims 2-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masaoka (US 5690761) in view of Europe '989 (EP 602989).

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As to claims 2-5 and 7, it would have been obvious to lower as claimed in view of Masaoka's teaching to lower block height toward the edges as shown in figure 1 to prevent heel and toe wear and Europe '989's teaching to round edges of blocks to increase conicity force and reduce noise.

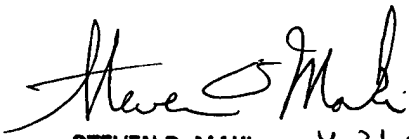
Remarks

- 14) The remaining references are cited of interest.
- 15) No claim is allowed.
- 16) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki
April 21, 2003


STEVEN D. MAKI
PRIMARY EXAMINER
GROUP 1300
4-21-03
A- 1733